

By Brooks

S.B. No. 494

A BILL TO BE ENTITLED

AN ACT

relating to the certification for use of certain pressure vessels,  
providing for penalties for violations of this Act; providing an  
effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) For the purpose of this Act, "pressure  
vessel" means any vessel in which the pressure is obtained from  
an external source or by the application of heat from an indirect  
source or from a direct source.

(b) The following pressure vessels are exempt from the  
provisions of this Act:

- (1) pressure vessels regulated by the federal government;
- (2) pressure vessels used for the transportation and storage  
of compressed gases when constructed in compliance with  
specifications of the United States Department of Transportation;
- (3) pressure vessels when charged with gas which are marked,  
maintained, and periodically requalified for use, as required by  
appropriate regulations of the United States Department of  
Transportation;
- (4) pressure vessels located on vehicles operating pursuant  
to regulations of other state authorities, and used for carrying  
passengers or freight;
- (5) pressure vessels installed on rights-of-way of railroads  
and used directly in the operation of trains;

1 (6) pressure vessels having an internal or external  
2 operating pressure not exceeding 15 PSIG with no limit on size;

3 (7) pressure vessels with a nominal water containing  
4 capacity of 120 gallons or less for containing water under  
5 pressure, including those containing air, the compression of which  
6 serves only as a cushion;

7 (8) pressure vessels containing water heated by steam or  
8 by any other indirect means when none of the following limitations  
9 are exceeded;

10 (A) a heat input of 200,000 BTU's per hour;

11 (B) a water temperature of 200 degrees F.;

12 (C) a nominal water containing capacity of 120 gallons;

13 (9) pressure vessels which are under the regulation and  
14 control of the Railroad Commission of Texas;

15 (10) pressure vessels that do not exceed:

16 (A) five cubic feet in volume and 250 PSIG pressure; or

17 (B) one and one-half cubic feet in volume and 600 PSIG  
18 pressure; or

19 (C) an inside diameter of six inches with no limitation  
20 on pressure;

21 (11) pressure vessels regulated pursuant to Chapter 436,  
22 Acts of the 45th Legislature, Regular Session, 1937, as amended  
23 (Article 5221c, Vernon's Texas Civil Statutes); and

24 (12) pressure vessels installed and in operation prior to  
25 the effective date of this Act.

26 (c) For the purposes of this Act, a pipeline shall not be<sup>2</sup>  
27 considered a pressure vessel.

(d) *unmet*

1           Sec. 2. (a) No pressure vessel installed after the  
2 effective date of this Act may be used in this state unless the  
3 owner or user has applied for and obtained from the Commissioner  
4 of Labor Statistics a certificate authorizing its use. The  
5 application shall be on a form prescribed by the commissioner and  
6 shall include a statement that the vessel has been constructed,  
7 inspected, and installed in accordance with the applicable code  
8 requirements for pressure vessels as formulated by the American  
9 Society of Mechanical Engineers. The commissioner shall issue  
10 the certificate on determining that the application is in proper  
11 form and on receiving the required fee from the applicant.

12           (b) The commissioner may certify for use pressure vessels  
13 which have not been constructed, inspected, and installed in  
14 accordance with the applicable code requirements for pressure  
15 vessels as formulated by the American Society of Mechanical  
16 Engineers if it can be proven to the satisfaction of the  
17 commissioner that the design and the construction of the pressure  
18 vessel will provide equivalent safety.

19           (c) The commissioner shall fix and collect a fee not to  
20 exceed \$1 for each certificate of use issued under this Act.

21           Sec. 3. If it is found, after notice and an opportunity  
22 to be heard as determined by the commissioner, that an owner or  
23 user of a pressure vessel has violated Section 2 of this Act,  
24 each instance of noncompliance may be treated as a separate  
25 violation of this Act and subject the owner or user to a civil  
26 liability of not less than \$25, to be recovered by the attorney  
27 general in a suit brought in a district court of the county in

1     which the violation occurred,

2             Sec. 4. This Act takes effect September 1, 1973.

3             Sec. 5. The importance of this legislation and the crowded  
4     condition of the calendars in both houses create an emergency and  
5     an imperative public necessity that the constitutional rule  
6     requiring bills to be read on three several days in each house  
7     be suspended, and this rule is hereby suspended, and that this  
8     Act take effect and be in force from and after September 1, 1973,  
9     and it is so enacted,

Austin, Texas

April 16, 1973

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS,  
to which was referred S B. No. 494, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
Chairman WALLACE

CAS

A

FLOOR

AMENDMENT NO. 1

BY Brook

Amend S.B. 494, Section 1 by adding Subsection (d) to read as follows:

✓(d) For the purposes of this Act, swimming pool heating units and filter units shall not be considered a pressure vessel. ✓

**ADOPTED**

MAY 19 1973

*Charles Schulz*  
SECRETARY OF SENATE

①

②

Floor Amendment No. 2

By Brooke

Amend SB 494 by adding a new subsection(c) of Section 2 as follows:

(c) The Commissioner shall fix and collect a filing fee in accordance with the following schedule:

- |     |   |                    |
|-----|---|--------------------|
| (1) | For statements covering 1 to 25 vessels       | \$ 3 each          |
| (2) | For statements covering 26 to 100 vessels     | \$ 75              |
| (3) | For statements covering 101 to 500 vessels    | \$150 <sup>2</sup> |
| (4) | For statements covering more than 500 vessels | \$300              |

**ADOPTED**

MAY 18 1973

*Charles Schuck*  
SECRETARY OF SENATE



Amend caption to conform to body  
of bill.

**ADOPTED**

MAY 19 1973

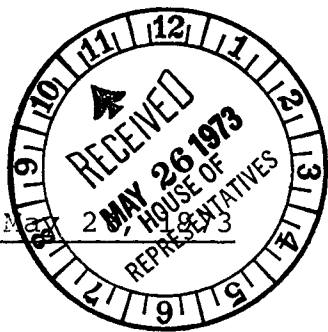
*Charles Schuch*

SECRETARY OF SENATE

③



SECOND PRINTING



Official House Printing 3rd. Leg.

By: Brooks



S. B. No. 494

(In the Senate.--March 6, 1973, Filed with the Secretary of the Senate; March 7, 1973, Read, referred to Committee on Intergovernmental Relations; April 17, 1973, Reported favorably; May 19, 1973, Read second time amended and ordered engrossed as amended; May 19, 1973, Caption ordered amended to conform to body of bill; May 19, 1973, Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage; May 19, 1973, Read third time and passed by 31 yeas, 0 nays.)

CHARLES SCHNABEL

Secretary of the Senate

May 19, 1973, Engrossed.

MARY HOBART KEY

Engrossing Clerk

May 19, 1973, Sent to House.

May 19, 1973, Received from the Senate.

DOROTHY HALLMAN

Chief Clerk, House of Representatives

(In the House.--May 21, 1973, Read first time and referred to Committee on Transportation; May 25, 1973, Reported favorably by the following record vote: 5 ayes, 3 nays, 5 present, not voting, 8 absent, sent to Printer.)

FISCAL NOTE

May 22, 1973

Honorable James E. Nugent, Chairman  
Transportation Committee  
House of Representatives  
Austin, Texas 78701

In Re: Senate Bill No. 494  
By: Brooks

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of Senate Bill No. 494 (relating to the certification for use of certain pressure vessels) to be as follows:

1. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Cost</u>
1974	\$ 120,968
1975	126,000
1976	132,000
1977	140,000
1978	148,000

2. Similar annual costs will continue as long as the provisions of the bill are in effect.
3. The bill authorizes the collection of fees for vessels registered with the State. The rates authorized would probably make the bill self-sustaining.

Thomas M. Keel  
Legislative Budget Director

(REFER TO FIRST PRINTING FOR ORIGINAL TEXT THEREOF.)

COMMITTEE REPORT

COMMITTEE ROOM  
Austin, Texas, May 25, 1973

Hon. Price Daniel, Jr., Speaker of the House of Representatives.

Sir:

We, your Committee on Transportation, to whom was referred S.B. No. 494, have had the same under consideration and beg to report back with recommendation that it do pass.

House sponsor of Senate measure: Nugent.

The measure was reported from Committee by the following record vote:  
5 ayes, 3 nays, 5 present, not voting, 8 absent.

This measure proposes new law.

Jim Nugent, Chairman.

BILL ANALYSIS

Background Information:

It is felt that present regulations concerning pressurized vessels are inadequate for the health and safety of our citizens.

What the Bill Proposes to Do:

This bill provides procedures for certification of certain pressure vessels, fees for filing, and penalties for violation of this Act.

Section by Section Analysis:

Section 1. Defines pressure vessels and lists exempt pressure vessels.

Section 2. Forbids use of pressure vessels subject to the provisions of this Act without certificate and establishes filing fees.

Section 3. Provides penalties.

Section 4. Effective date September 1, 1973.

Section 5. Emergency Clause.

Summary of Committee Action:

The Committee on Transportation suspended Rule VIII, Section 13, and considered S.B. No. 494 in public hearing on May 25, 1973. The Committee voted on May 25, 1973 by a record vote of 5 ayes, 3 nays, 5 present not voting, and 8 absent, to report the bill back to the House Favorably with the recommendation that it do pass.

This bill proposes new law.

May 19 1938

May 18 1938

Engrossing Clerk

By: Brooks

S.B. No. 494

A BILL TO BE ENTITLED

AN ACT

relating to the certification by the Commissioner of Labor  
Statistics for use of certain pressure vessels; providing fees  
for filing; providing for penalties for violations of this Act;  
providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) For the purpose of this Act, "pressure  
vessel" means any vessel in which the pressure is obtained from  
an external source or by the application of heat from an indirect  
source or from a direct source.

(b) The following pressure vessels are exempt from the  
provisions of this Act:

(1) pressure vessels regulated by the federal government;

(2) pressure vessels used for the transportation and storage  
of compressed gases when constructed in compliance with  
specifications of the United States Department of Transportation;

(3) pressure vessels when charged with gas which are marked,  
maintained, and periodically requalified for use, as required by  
appropriate regulations of the United States Department of  
Transportation;

(4) pressure vessels located on vehicles operating pursuant  
to regulations of other state authorities, and used for carrying  
passengers or freight;

(5) pressure vessels installed on rights-of-way of railroads  
and used directly in the operation of trains;

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2 operating pressure not exceeding 15 PSIG with no limit on size;

3           (7) pressure vessels with a nominal water containing  
4 capacity of 120 gallons or less for containing water under  
5 pressure, including those containing air, the compression of which  
6 serves only as a cushion;

7           (8) pressure vessels containing water heated by steam or  
8 by any other indirect means when none of the following limitations  
9 are exceeded:

10           (A) a heat input of 200,000 BTU's per hour;

11           (B) a water temperature of 200 degrees F.;

12           (C) a nominal water containing capacity of 120 gallons;

13           (9) pressure vessels which are under the regulation and  
14 control of the Railroad Commission of Texas;

15           (10) pressure vessels that do not exceed:

16           (A) five cubic feet in volume and 250 PSIG pressure; or

17           (B) one and one-half cubic feet in volume and 600 PSIG  
18 pressure; or

19           (C) an inside diameter of six inches with no limitation  
20 on pressure;

21           (11) pressure vessels regulated pursuant to Chapter 436,  
22 Acts of the 45th Legislature, Regular Session, 1937, as amended  
23 (Article 5221c, Vernon's Texas Civil Statutes); and

24           (12) pressure vessels installed and in operation prior to  
25 the effective date of this Act.

26           (c) For the purposes of this Act, a pipeline shall not be

1 considered a pressure vessel.

2 (d) For the purposes of this Act, swimming pool heating  
3 units and filter units shall not be considered a pressure vessel.

4 Sec. 2. (a) No pressure vessel installed after the  
5 effective date of this Act may be used in this state unless the  
6 owner or user has applied for and obtained from the Commissioner  
7 of Labor Statistics a certificate authorizing its use. The  
8 application shall be on a form prescribed by the commissioner and  
9 shall include a statement that the vessel has been constructed,  
10 inspected, and installed in accordance with the applicable code  
11 requirements for pressure vessels as formulated by the American  
12 Society of Mechanical Engineers. The commissioner shall issue  
13 the certificate on determining that the application is in proper  
14 form and on receiving the required fee from the applicant.

15 (b) The commissioner may certify for use pressure vessels  
16 which have not been constructed, inspected, and installed in  
17 accordance with the applicable code requirements for pressure  
18 vessels as formulated by the American Society of Mechanical  
19 Engineers if it can be proven to the satisfaction of the  
20 commissioner that the design and the construction of the pressure  
21 vessel will provide equivalent safety.

22 (c) The commissioner shall fix and collect a filing fee  
23 in accordance with the following schedule:

- |    |  |           |
|----|--|-----------|
| 24 | (1) For statements covering 1 to 25 vessels    | \$ 3 each |
| 25 | (2) For statements covering 26 to 100 vessels  | \$ 75     |
| 26 | (3) For statements covering 101 to 500 vessels | \$150     |

1           (4) For statements covering more than 500 vessels \$300

2           Sec. 3. If it is found, after notice and an opportunity  
3 to be heard as determined by the commissioner, that an owner or  
4 user of a pressure vessel has violated Section 2 of this Act,  
5 each instance of noncompliance may be treated as a separate  
6 violation of this Act and subject the owner or user to a civil  
7 liability of not less than \$25, to be recovered by the attorney  
8 general in a suit brought in a district court of the county in  
9 which the violation occurred.

10          Sec. 4. This Act takes effect September 1, 1973.

11          Sec. 5. The importance of this legislation and the crowded  
12 condition of the calendars in both houses create an emergency and  
13 an imperative public necessity that the constitutional rule  
14 requiring bills to be read on three several days in each house  
15 be suspended, and this rule is hereby suspended, and that this  
16 Act take effect and be in force from and after September 1, 1973,  
17 and it is so enacted.

FORM A

COMMITTEE REPORT

Date 5/25/73

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on TRANSPORTATION, to whom was referred SB No. 494, have had the same under consideration and beg to report back with recommendation that it ( do ~~do not~~ ) pass.

~~The Committee recommends that this measure be considered for the Local and Consent Calendar.~~

House sponsor of Senate measure: Wugent

The measure was reported from Committee by the following record vote:

<u>ayes</u>	ayes
<u>nays</u>	nays
<u>present, not voting</u>	present, not voting
<u>absent</u>	absent

John Wugent  
Chairman.

This measure proposes new law.



### SUMMARY OF COMMITTEE ACTION

suspended

The Committee on Transportation ~~posted notice in accordance~~  
~~with~~ Rule VIII, Section 13, and considered SB No. 494 in public  
hearing on MAY 25, 1973. The bill was referred to Sub-committee  
and ~~reported back Favorably/Unfavorably to the full committee on~~  
~~\_\_\_\_\_~~, 1973. The Committee voted on MAY 25, 1973  
by a record vote of 5 ayes, 3 nays, 5 present not  
voting, and 8 absent, to report the bill back to the House  
Favorably/~~Unfavorably~~ with the recommendation that it do/~~do not~~ pass,  
~~as amended~~.

This bill proposes new law, ~~by adding~~

Background Information

It is felt that present regulations concerning pressurized vessels are inadequate for the health and safety of our citizens.

What the Bill Proposes to Do

This bill provides procedures for certification of certain pressure vessels, fees for filing, and penalties for violation of this Act.

Section by Section Analysis

Section 1. Defines pressure vessels and lists exempt pressure vessels.

Section 2. Forbids use of pressure vessels subject to the provisions of this Act without certificate and establishes filing fees.

Section 3. Provides penalties.

Section 4. Effective date September 1, 1973.

Section 5. Emergency Clause.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 22, 1973

Honorable James E. Nugent, Chairman  
Transportation Committee  
House of Representatives  
Austin, Texas 78701

In Re: Senate Bill No. 494  
By: Brooks


Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of Senate Bill No. 494 (relating to the certification for use of certain pressure vessels) to be as follows:

1. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Cost</u>
1974	\$ 120,968
1975	126,000
1976	132,000
1977	140,000
1978	148,000

2. Similar annual costs will continue as long as the provisions of the bill are in effect.
3. The bill authorizes the collection of fees for vessels registered with the State. The rates authorized would probably make the bill self-sustaining.



Thomas M. Keel  
Legislative Budget Director

S.B. No. 494  
S.R.

By Brooks

AN ACT relating to the certification for use of certain pressure vessels; providing for penalties for violations of this Act; providing an effective date; and declaring an emergency.

3-6-73 Filed with the Secretary of the Senate

MAR 7 1973 Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 17 1973 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by  
unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 19 1973 Read second time and <sup>amended</sup> ordered engrossed. as amended  
~~passed for third reading.~~

MAY 19 1973 Caption ordered amended to conform to body of bill.

MAY 19 1973 Senate and Constitutional 3-Day Rules suspended by vote of  
31 yeas, 0 nays to place bill on third reading and final passage.

MAY 19 1973 Read third time and passed by <sup>a viva voce vote.</sup>  
31 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

PRINTED, DISTRIBUTED, AND

REFERRED TO COMMITTEE ON

CALENDARS 10:45 P M.

(Time)

MAY 26 1973

(Date)

May 19 1973 Engrossed

MAY 19 1973 Sent to HOUSE

ENGROSSING CLERK

S.B.-494

MAY 19 1973

Received from  
the Senate

Joseph Hallman  
Chief Clerk, House of Representatives

READ FIRST TIME  
AND REFERRED TO COMMITTEE ON

Transportation

MAY 21 1973

Joseph Hallman  
Chief Clerk, House of Representatives

May 21, 1973 sent to  
Legislative Budget Board  
for Fiscal Note John Egan  
CHAIRMAN

MAY 25 1973 REPORTED FAVORABLY SENT TO PRINTER

